P.R. No. 4687/06
Presented by Shri Ashok Sen Nair
dated 24/11/06

(1)

SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION [CRIMINAL] NO. 4650 /2006

PETITIONER :- Budharu Ram Bhardwaj, aged about 40 years, S/o Shri Dauram Bhardwaj [Working as – Head Cashier, Union Bank of India, Branch- Arjuni, District Rajnandgaon (C.G.)] R/o Narmada Nagar, Uday Body Builders Road, Mangla Chowk, Bilaspur [C.G.].

COMPLAINANT

VERSUS

RESPONDENTS :-

1] State of Chhattisgarh – through The Secretary, Department of Home, Mantralaya Bhavan, Raipur [C.G.].

2] Inspector General Police Chhattisgarh, Shankar Nagar, Raipur [C.G.].

3] Superintendent of Police- District Kabirdham [C.G.].

4] Station House Officer, Police Station Kunda, District Kabirdham [C.G.].

5] Union Bank of India, through – Chairman and Managing Director, Central office, Union Bank Bhawan, 239, Nariman Point, Mumbai [Maharastra]

6] Deputy General Manager, Zonal Office, Bhadbhada Road, T.T. Nagar Bhopal [M.P.].

7] Assistant General Manager, Union Bank of India, Regional Office Maudahapara Raipur [C.G.]

8] Branch Manager, Union Bank of India, Bilaspur Base Branch [Satellite Branch Damapur] Bilaspur [C.G.].

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S.R. Kaushik
BILASPUR TAHSIL
24/11/06

(2)
(5)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : Hon'ble Shri Justice Satish K. Agnihortri

WRIT PETITION (CRIMINAL) NO. 4650 OF 2006

Petitioner	:	Budharu Ram Bhardwaj
	versus	
Respondents	:	State of Chhattisgarh and others

Present : Mr. Ashok Swarnakar, counsel for the petitioner.
Mr. S.S. Agrawal, Government Advocate for the respondents No. 1 to 4.

ORDER
(Passed on 29th of August, 2006)

1. The petitioner, who was working as Head Cashier in Union Bank of India at satellite Branch, Damapur, District Kabirdham (C.G.), made a complaint to the Police Station on 12/4/2005 (Annexure-P/1), that a sum of Rs. 1,13,020/- has been stolen from Bank's safe, which was under control of the petitioner.

2. The Police investigated the case and informed to the Branch Manager of the Bank by letter dated 27.11.2005 (Annexure-P/7) that there was no theft found as reported by the

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petitioner. It seems to be a case of defalcation. On the basis of the said report, the departmental enquiry has been initiated to find out as to how the sum of Rs. 1,13,020/- was missing from the Bank's safe.

3. Learned counsel appearing for the petitioner submits that the petitioner being a complainant can not be held responsible for defalcation or removal of the above stated amount from the Bank's safe.

4. In this petition, the petitioner prays that fresh enquiry/investigation be directed to be made and the petitioner be granted sufficient opportunity before the departmental enquiry/investigation conducted by the management of respondents No. 5 to 8.

5. From bare perusal of the dismissal intimation dated 27.11.2005, it appears that on the basis of appropriate investigation the investigating officer submitted his report. There is no allegation of malafide against the Investigating Officer by the petitioner. In that event, it is not necessary to direct re-investigation of the complaint made to the Police Station by the petitioner. The observation made in the dismissal intimation report as well as the facts brought on record that the department is conducting department enquiry to fix the responsibility for missing of the amount of

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Rs. 1,13,020/- from the Bank's safe, there is no justification in directing fresh investigation. The petitioner would certainly have sufficient opportunity before department enquiry/investigation.

6. For the aforesaid reasons, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash